

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

*Com. Sub. for*

HOUSE BILL No. 519

(By Mr. *Originating in the Committee*  
*on the Judiciary*)

PASSED March 2, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BURDETT  
SECRETARY OF STATE  
THIS DATE 3-5-65

# 519

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COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 519**  
(Originating in the Committee on the Judiciary.)

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AN ACT to amend and reenact sections two and three, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to persons who are exempt from being licensed by the department of motor vehicles as operators or chauffeurs; to persons who may not be licensed by the department of motor vehicles as operators or chauffeurs; raising the age for a regular operator's license from sixteen to eighteen years; providing for junior or probationary operator's licenses for persons between the ages of sixteen and

eighteen years; specifying that such junior or probationary operator's licenses may be reasonably conditioned or restricted; requiring parental or guardian consent for the issuance of a junior or probationary operator's license; and providing for the revocation of junior or probationary operator's licenses for operating a motor vehicle in violation of the conditions or restrictions imposed upon such licenses or for convictions of moving violations against traffic regulations and laws of the road.

*Be it enacted by the Legislature of West Virginia:*

That sections two and three, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**Article 2. Issuance of License, Expiration and Renewal.**

**Section 2. What Persons Are Exempt from License.—**

2 The following persons are exempt from license here-  
3 under:

4 (1) Any person while operating a motor vehicle in  
5 the armed services of the United States while in the  
6 performance of his official duties;

7 (2) A nonresident who is at least sixteen years of  
8 age and who has in his immediate possession a valid  
9 operator's license issued to him in his home state or  
10 country may operate a motor vehicle in this state only  
11 as an operator for a period not to exceed ninety days in  
12 any one calendar year;

13 (3) A nonresident who is at least sixteen years of age, who  
14 has in his immediate possession a valid operator's license  
15 issued to him in his home state or country and who is  
16 employed in this state, or owns, maintains or operates a  
17 place or places of business in this state, or engages in  
18 any trade, profession or occupation in this state, in addi-  
19 tion to the driving privileges extended under subpara-  
20 graph (2) of this section, may operate a motor vehicle  
21 in this state only as an operator in traveling to and from  
22 his place or places of employment, place or places of  
23 business or place or places at which he engages in such  
24 trade, profession or occupation and in the discharge of  
25 the duties of his employment, business, trade, profession  
26 or occupation if such duties are such that if performed  
27 by a resident of the state of West Virginia over the age

28 of eighteen years such resident would not be required un-  
29 der the provisions of this chapter to be licensed as a  
30 chauffeur;

31 (4) A nonresident who is at least eighteen years of  
32 age and who has in his immediate possession a valid  
33 chauffeur's license issued to him in his home state or  
34 country may operate a motor vehicle in this state either  
35 as a chauffeur subject to the age limits applicable to  
36 chauffeurs in this state, or as an operator subject to the  
37 limitations imposed on nonresident operators in subpara-  
38 graphs (2) and (3) of this section;

39 (5) Any person who is a student, properly enrolled  
40 and registered in an accredited school, college or univer-  
41 sity in this state, who is at least sixteen years of age and  
42 who has in his immediate possession a valid operator's  
43 license issued to him in his home state, notwithstanding  
44 the limitations of subparagraphs (2) and (3) of this sec-  
45 tion may operate a motor vehicle in this state only as an  
46 operator: *Provided*, That the state of which he is a resi-  
47 dent shall extend the same privileges to residents of this  
48 state. This exemption shall be cancelled immediately

49 when such student is graduated from school, college or  
50 university or is expelled or ceases to be a student.

**Sec. 3. What Persons Shall Not Be Licensed; Excep-**

2 **tions.**—The department shall not issue any license here-  
3 under:

4 (1) To any person, as an operator, who is under the  
5 age of eighteen years: *Provided*, That under rules and  
6 regulations to be established by the commissioner and  
7 in accordance with the provisions hereinafter set forth  
8 in this subparagraph (1), a junior or probationary oper-  
9 ator's license may be issued to any person between the  
10 ages of sixteen and eighteen years, who is not otherwise  
11 disqualified by law, upon application therefor on a form  
12 prescribed by the commissioner and successful comple-  
13 tion of all examinations and driving tests required by  
14 law for the issuance of an operator's license to a person  
15 eighteen years of age or older. The commissioner may  
16 impose reasonable conditions or restrictions on the oper-  
17 ation of a motor vehicle by a person holding such junior  
18 or probationary operator's license, which conditions or  
19 restrictions shall be printed on each such license. In

20 addition to all other provisions of this chapter for which  
21 a regular operator's or chauffeur's license may be revoked,  
22 suspended or cancelled, whenever a person holding such  
23 a junior or probationary operator's license operates a  
24 motor vehicle in violation of the conditions or restric-  
25 tions set forth on such license, or has a record of two  
26 convictions for moving violations of the traffic regula-  
27 tions and laws of the road, which convictions have be-  
28 come final, the junior or probationary license of such  
29 person shall be permanently revoked, with like effect  
30 as if such person had never held a junior or probation-  
31 ary operator's license: *Provided*, That such junior or  
32 probationary operator's license shall be revoked upon  
33 one final conviction for any offense specified in section  
34 five, article three of this chapter. Under no circum-  
35 stances shall such a license be revoked for convictions  
36 of offenses in violation of any regulation or law govern-  
37 ing the standing or parking of motor vehicles. A person  
38 whose junior or probationary operator's license has been  
39 revoked shall not thereafter receive a junior or pro-  
40 bationary operator's license, but such person, upon at-

41 taining the age of eighteen, shall be eligible, unless  
 42 otherwise disqualified by law, for examination and driver  
 43 testing for a regular operator's license or chauffeur's  
 44 license. No person shall receive a junior or probationary  
 45 operator's license unless the application therefor is ac-  
 46 companied by a writing, duly acknowledged, consenting  
 47 to the issuance of such junior or probationary operator's  
 48 license and executed (a) by the parents of the applicant,  
 49 or (b) if only one parent is living, then by such parent,  
 50 or (c) if the parents be living separate and apart, by the  
 51 one to whom was awarded the custody of the applicant,  
 52 or (d) if there is a guardian entitled to the custody of  
 53 the applicant, then by such guardian. Upon attaining  
 54 the age of eighteen years, a person holding an unrevoked  
 55 junior or probationary operator's license shall, upon pay-  
 56 ment of the prescribed fee, be entitled to receive a regular  
 57 operator's license or chauffeur's license without further  
 58 examination or driver testing;

59 (2) To any person, as a chauffeur, who is under the  
 60 age of eighteen years;



61     (3) To any person, as an operator or chauffeur, whose  
62 license has been suspended, during such suspension, nor  
63 to any person whose license (other than a junior or pro-  
64 bationary operator's license) has been revoked, except  
65 as provided in section eight, article three of this chapter;

66     (4) To any person, as an operator or chauffeur, who  
67 is an habitual drunkard, or is addicted to the use of nar-  
68 cotic drugs;

69     (5) To any person, as an operator or chauffeur, who  
70 has previously been adjudged to be afflicted with or suf-  
71 fering from any mental disability or disease and who  
72 has not at the time of application been restored to compe-  
73 tency by judicial decree or released from a hospital for  
74 the mentally incompetent, upon the certificate of the  
75 superintendent of such institution that such person is  
76 competent and not then unless the commissioner is satis-  
77 fied that such person is competent to operate a motor  
78 vehicle with safety to persons or property;

79     (6) To any person, as an operator or chauffeur, who  
80 is required by this chapter to take an examination, un-

81 less such person shall have successfully passed such ex-  
82 amination;

83 (7) To any person who is required under the pro-  
84 visions of the motor vehicle safety responsibility laws of  
85 this state to deposit proof of financial responsibility and  
86 who has not deposited such proof;

87 (8) To any person when the commissioner has good  
88 cause to believe that the operation of a motor vehicle  
89 on the highways by such person would be inimical to  
90 public safety or welfare.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*O. Roy Parker*  
Chairman Senate Committee

*James W. Loop*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Myers*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*Harold Olson*  
President of the Senate

*H. Laban White*  
Speaker House of Delegates

The within approved this the 5  
day of March, 1965.

*Harold C. Smith*  
Governor



Presented to Governor's Office  
Mar. 4, 1965  
11:10 am.